

REMARKS

The application has been reviewed in light of the Office Action mailed March 31, 2004. Claims 1-11 were pending at the time of the office action. Claims 1-11 were rejected. Applicants have amended Claims 1 and 7. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. §102

Claims 1-2, 7-8, and 10-11 stand rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,236,333 issued to Joseph David King ("King"). Applicants respectfully traverse and submit that Claims 1-2, 7-8, and 10-11 are patentable over King.

King discloses a "passive remote keyless entry system includ[ing] a plurality of sensors each associated with a door of the vehicle." (Abstract)

Applicants' amended Claim 1 recites several elements including, among others, "an evaluation unit operable to determine a distance between the code transmitter and the receiving unit based on the echo signal and to evaluate the echo signal to verify the authorization code supplied from the code transmitter if the distance is determined to be above a threshold value."

Applicants' amended Claim 7 recites several elements including, among other, "evaluating the echo signal in an evaluation unit adapted to be arranged on the motor vehicle if the evaluating unit determines a distance between the code transmitter and the receiving unit to be above a threshold value based on the echo signal, the evaluating including verifying the authorization code signal from the code transmitter."

King cannot anticipate Applicants' amended Claims 1 and 7, because King does not teach, suggest or disclose all of the elements recited by Claims 1 and 7, as amended. For example, King fails to teach, disclose or suggest "an evaluation unit operable *to determine a distance between the code transmitter and the receiving unit based on the echo signal* and to evaluate the echo signal to verify the authorization code supplied from the code transmitter if the distance is determined to be above a threshold value," as recited by amended Claim 1. (emphasis added) Additionally, King fails to teach, disclose or suggest "evaluating the echo signal in an evaluation unit adapted to be arranged on the motor vehicle if the evaluating unit

determines a distance between the code transmitter and the receiving unit to be above a threshold value based on the echo signal, the evaluating including verifying the authorization code signal from the code transmitter," as recited by amended Claim 7. (emphasis added) Specifically, Applicants assert that King does not teach, suggest or disclose determining a distance between the code transmitter and the receiving and transmitting unit based on the echo signal.

Additionally, Applicants further assert that King does not disclose, teach or suggest an echo signal.

Because King fails to teach, disclose or suggest all of the elements of Applicants' amended Claims 1 and 7. Applicants respectfully submit that King does not anticipate Applicants' amended Claims 1 and 7. Therefore, Applicants assert that Claims 1 and 7, as amended, are patentable over King.

Claim 2 depends from and provides further patentable limitations to independent Claim 1, as amended. Claims 8, 10 and 11, directly or indirectly, depend from and provide further patentable limitations to independent Claim 7, as amended. Because amended Claims 1 and 7 are deemed allowable, Claims 2, 8, 10 and 11 are allowable. Therefore, Applicants respectfully request the Examiner to withdraw the rejection and allow Claims 1-2, 7-8, and 10-11.

### **Rejections under 35 U.S.C. §103**

Claims 3-4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over King. Applicants respectfully traverse and submit that Claims 3 and 4 are patentable over King.

Claims 3 and 4 depend from and provide further patentable limitations to independent Claim 1. Because amended Claim 1 is deemed allowable, Claims 3 and 4 are allowable. Therefore, Applicants respectfully request the Examiner to withdraw the rejection and allow Claims 3 and 4.

Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over King in view of U.S. Patent 5,956,259 issued to Hal C. Hartsell, Jr. et al. ("Hartsell et al."). Applicants respectfully traverse and submit Claim 5 is patentable over King in view of Hartsell et al.

Claim 5 indirectly depends from and provides further patentable limitations to independent Claim 1. Because amended Claim 1 is deemed allowable, Claim 5 is allowable. Therefore, Applicants respectfully request the Examiner to withdraw the rejection and allow Claim 5.

Claims 6 and 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over King in view of U.S. Patent 54,723,121 issued to Andreas van den Boom et al. ("Boom et al."). Applicants respectfully traverse and submit Claims 6 and 9 are patentable over King in view of Boom et al.

Claim 6 depends from and provides further patentable limitations to independent Claim 1. Claim 9, directly or indirectly, depends from and provides further patentable limitations to independent Claim 7. Because amended Claims 1 and 7 are deemed allowable, Claims 6 and 9 are allowable. Therefore, Applicants respectfully request the Examiner to withdraw the rejection and allow Claims 6 and 9.

**Information Disclosure Statement**

Applicants would like to bring to the Examiner's attention that Applicants filed an Information Disclosure Statement on March 23, 2004. Applicants respectfully request that the Information Disclosure Statement be considered and cited in the examination of the above-referenced application. Applicants attach a copy of the Information Disclosure Statement and PTO Form 1449 filed March 23, 2004 for the Examiner's convenience and a copy of the postcard receipt evidencing receipt by the Patent Office.

**Change of Correspondence Address**

Applicants respectfully request that all papers pertaining to the above-captioned patent application be directed to Customer No. 31625 and all telephone calls should be directed to Bruce W. Slayden II at 512.322.2606. Applicants also enclose a copy of the Change of Correspondence Address that was previously filed with the U.S. Patent and Trademark Office on March 23, 2004.

**CONCLUSION**

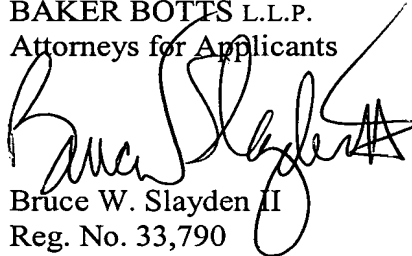
Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request reconsideration and full allowance of the Claims 1-11, as amended.

Applicants enclose a Petition for Extension of Time along with a check in the amount of \$110.00 for the filing fee.

Applicants believe no further fee is due, however, if any additional fees are due, the Commissioner is hereby authorized to charge any necessary fees to Deposit Account No. 50-2148 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.  
Attorneys for Applicants



Bruce W. Slayden II  
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Date: August 2, 2004

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512.322.2606  
512.322.8306 (Fax)

**Enclosures:**

1. Copy of IDS with post card as filed on March 23, 2004.
2. Copy of Change of Correspondence Address previously filed March 23, 2004.
3. Petition for Extension of Time along with a check in the amount of \$110.00 for the filing fee.